

SENATE CHAMBER,  
AUSTIN, TEXAS, May 7, 1870.

Senate met pursuant to adjournment.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and adopted

PETITIONS AND MEMORIALS.

Senator Bowers presented a petition for the relief of the estate of Thomas Carothers, deceased.

Referred to Committee on Claims and Accounts.

Senator Bowers presented a petition for the relief of Jeremiah Morton.

Referred to Committee on Claims and Accounts.

Senator Hall presented a petition from the citizens of Robertson county, asking the Legislature to remove the county seat from Owensville to Calvert.

Referred to Committee on Counties and County Boundaries.

Senator Hall presented a communication from Geo. W. Honey, State Treasurer, asking for further legislation regarding trust funds in his hands.

Referred to Committee to examine Comptroller's and Treasurer's accounts.

REPORT OF JOINT SELECT COMMITTEE ON MILEAGE.

COMMITTEE ROOM,  
May 6, 1870.

To the Hon. DON CAMPBELL,

President of the Senate:

Your select joint committee, to whom was referred the resolution to prepare a schedule of mileage to govern the payment of members of the Legislature, respectfully report the accompanying schedule, and recommend its adoption, together with the following concurrent resolution:

*Resolved by the Senate, the House concurring,* That the Comptroller be instructed to audit all mileage accounts in conformity with the subjoined schedule; that for every fraction of mileage under twenty-five miles, one day's pay be additionally computed; and such members who may have received less mileage at the provisional session of this Legislature than is allowed in conformity with

this resolution, are hereby authorized to demand and collect any balance that may be due and unpaid by the State Treasurer.

A. J. FOUNTAIN,  
Chairman Committee  
On part of the Senate.

Report read and received.

Senator Fountain moved a suspension of the rules, and it be placed on its second reading.

Carried.

Senator Latimer moved to amend by striking out "800 miles from Red river," and inserting "760."

Lost.

Senator Fountain moved suspension of the rules, and that the report be put upon its third and final reading.

Carried.

Report read third time and passed.

#### SCHEDULE OF DISTANCES TO AUSTIN AND RETURN.

COUNTY.	MILES.	COUNTY SEAT.
Anderson.....	550.....	Palestine
Angelina.....	640.....	Homer
Archer.....		
Atascosa.....	270.....	Pleasanton
Austin.....	260.....	Bellville
Bandera.....	260.....	Bandera
Bastrop.....	80.....	Bastrop
Baylor.....		
Bee.....	340.....	Beeville
Bell.....	120.....	Belton
Bexar.....	170.....	San Antonio
Blanco.....	100.....	Blanco
Bosque.....	250.....	Meridian
Bowie.....	960.....	Boston
Brazoria.....	400.....	Brazoria
Brazos.....	376.....	Boonville
Brown.....	300.....	Brownwood
Burleson.....	400.....	Caldwell
Burnet.....	120.....	Burnet
Caldwell.....	60.....	Lockhart
Calhoun.....	300.....	Indianola
Callahan.....		
Cameron.....	970.....	Brownsville
Chambers.....	620.....	Wallerville

COUNTY.	MILES.	COUNTY SEAT.
Cherokee . . . . .	540 . . . . .	Rusk
Clay . . . . .		
Collin . . . . .	500 . . . . .	McKinney
Colorado . . . . .	210 . . . . .	Columbus
Coleman . . . . .	360 . . . . .	Camp Colorado
Comal . . . . .	100 . . . . .	New Braunfels
Comanche . . . . .	280 . . . . .	Cora
Concho . . . . .		
Cooke . . . . .	600 . . . . .	Gainesville
Coryell . . . . .	200 . . . . .	Gatesville
Dallas . . . . .	400 . . . . .	Dallas
Davis . . . . .	800 . . . . .	Linden
Dawson . . . . .		
Denton . . . . .	500 . . . . .	Denton
De Witt . . . . .	208 . . . . .	Clinton
Dimmitt . . . . .		
Duval . . . . .		
Eastland . . . . .		
Edwards . . . . .		
Ellis . . . . .	400 . . . . .	Waxahachie
El Paso . . . . .	1700 . . . . .	San Elisario
Encinal . . . . .		
Erath . . . . .	400 . . . . .	Stephensville
Falls . . . . .	234 . . . . .	Marlin
Fannin . . . . .	600 . . . . .	Bonham
Fayette . . . . .	176 . . . . .	Lagrange
Fort Bend . . . . .	350 . . . . .	Richmond
Freestone . . . . .	330 . . . . .	Fairfield
Frio . . . . .		
Galveston . . . . .	476 . . . . .	Galveston
Gillespie . . . . .	310 . . . . .	Fredericksburg
Goliad . . . . .	240 . . . . .	Goliad
Gonzales . . . . .	180 . . . . .	Gonzales
Grayson . . . . .	622 . . . . .	Sherman
Grimes . . . . .	330 . . . . .	Anderson
Guadalupe . . . . .	126 . . . . .	Seguin
Hamilton . . . . .	220 . . . . .	Hamilton
Hardeman . . . . .		
Hardin . . . . .	600 . . . . .	Hardin
Harris . . . . .	376 . . . . .	Houston
Harrison . . . . .	830 . . . . .	Marshall
Haskell . . . . .		
Hays . . . . .	60 . . . . .	San Marcos

COUNTY.	MILES.	COUNTY SEAT.
Henderson .....	630 .....	Athens
Hidalgo .....	800 .....	Edinburgh
Hill .....	300 .....	Hillsboro
Hood .....	430 .....	Stockton
Hopkins .....	650 .....	Tarrant
Houston .....	490 .....	Crockett
Hunt .....	550 .....	Greenville
Jack .....	550 .....	Jacksboro
Jackson .....	300 .....	Texana
Jasper .....	864 .....	Jasper
Jefferson .....	790 .....	Beaumont
Johnson .....	400 .....	Buchanan
Jones .....	.....	.....
Karnes .....	240 .....	Helena
Kaufman .....	400 .....	Kaufman
Kendall .....	230 .....	Boerne
Kerr .....	200 .....	Kerrville
Kimble .....	.....	.....
Kimney .....	.....	.....
Knox .....	.....	.....
Lamar .....	700 .....	Paris
Lampasas .....	130 .....	Lampasas
La Salle .....	.....	.....
Lavaca .....	200 .....	Hallettsville
Leon .....	300 .....	Centerville
Liberty .....	692 .....	Liberty
Limestone .....	300 .....	Springfield
Live Oak .....	300 .....	Oakville
Llano .....	180 .....	Llano
McCulloch .....	.....	.....
McLennan .....	200 .....	Waco
McMullen .....	.....	.....
Madison .....	300 .....	Madisonville
Marion .....	850 .....	Jefferson
Mason .....	250 .....	Mason
Matagorda .....	400 .....	Matagorda
Maverick .....	.....	.....
Medina .....	210 .....	Castroville
Menard .....	.....	.....
Milam .....	240 .....	Cameron
Montague .....	600 .....	Montague
Montgomery .....	450 .....	Montgomery
Nacogdoches .....	560 .....	Nacogdoches

COUNTY.	MILES.	COUNTY SEAT.
Navarro .....	340	Corsicana
Newton .....	700	Newton
Nueces .....	560	Corpus Christi
Orange .....	600	Orange
Palo Pinto .....	500	Palo Pinto
Panola .....	756	Carthage
Parker .....	480	Weatherford
Polk .....	460	Livingston
Presidio .....		
Red River .....	800	Clarksville
Refugio .....	350	Refugio
Robertson .....	430	Owensville
Runnels .....		
Rusk .....	700	Henderson
Sabine .....	742	Milam
San Augustine .....	650	San Augustine
San Patricio .....	400	San Patricio
San Saba .....	200	San Saba
Shackelford .....		
Shelby .....	600	Canton
Smith .....	800	Tyler
Starr .....	1000	Rio Grande City
Stephens .....		
Tarrant .....	470	Fort Worth
Taylor .....		
Throckmorton .....		
Titus .....	800	Mount Pleasant
Travis .....		Austin
Trinity .....	4 '0	Sumpter
Tyler .....	600	Woodville
Upshur .....	790	Gilmer
Uvalde .....	460	Uvalde
Van Zandt .....	526	Canton
Victoria .....	260	Victoria
Walker .....	410	Huntsville
Washington .....	220	Brenham
Webb .....	700	Laredo
Wharton .....	320	Wharton
Wichita .....		
Wilbarger .....		
Williamson .....	52	Georgetown
Wilson .....	160	Sutherland Springs
Wise .....	600	Decatur

COUNTY.	MILES.	COUNTY SEAT.
Wood.....	714.....	
Young.....		
Zapata.....	800..	Carivo
Zavalla.....		

Senator Rawson, Chairman of Committee on Claims and Accounts, reports action of committee on petition of D. W. Hancock, and recommends its rejection.

Read first time and placed on file.

Senator Bowers, Chairman Select Committee on Joint Rules for both Houses, made the following report:

SENATE CHAMBER,  
AUSTIN, May 7, 1870.

To THE HON. DON CAMPBELL,  
President of Senate:

The committee appointed to prepare and report joint rules of the two Houses, having performed that duty, instruct me to report the accompanying, and to recommend their adoption.

M. H. BOWERS,  
On part of Senate committee.

## JOINT RULES OF THE TWO HOUSES.

### DISAGREEMENTS BETWEEN THE TWO HOUSES.

1. In every case of an amendment in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall appoint a committee to confer, such committees shall, at a convenient hour, to be agreed on by their Chairman, meet in their conference chamber, and state to each other verbally, or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

2. After each House shall have adhered to their disagreement, a bill or resolution is lost.

3. When a bill or resolution which shall have passed in one House is rejected in the other, notice thereof is to be given to the House in which the same may have passed.

### COMMUNICATION BETWEEN THE TWO HOUSES.

4. When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the Door-keeper, and shall be respectfully communicated to the Chair, by the person by whom it may be sent.

5. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Senate.

6. Messages shall be sent by such persons as a sense of propriety, in each House, may determine to be proper.

7. While bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Secretary or Clerk of each House, respectively.

8. Each House transmits to the other all papers on which any bill or resolution may be founded.

ENROLLING AND SIGNING OF BILLS AND RESOLUTIONS, AND THEIR  
PRESENTATION TO THE GOVERNOR.

9. After a bill shall have passed both Houses, it shall be duly enrolled on paper by the Clerk of the House of Representatives, or of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the Governor.

10. When bills are enrolled, they shall be examined by a joint committee of three from the Senate and three from the House of Representatives, appointed as a Standing Committee for that purpose, who shall carefully compare the enrollment with the engrossed bills, as passed in the Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the respective Houses.

11. After examination and report, each bill shall be signed in the respective Houses—first, by the Speaker of the House of Representatives, then by the President of the Senate.

12. After a bill shall have been thus signed in each House, it shall be presented by said committees to the Governor, for his approbation—it being first endorsed on the back of the roll, certifying in which House the same originated; which endorsement shall be signed by the Secretary or Clerk (as the case may be) of the House in which the same did originate, and shall be entered on the journal of each House. The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of each House.

13. All orders, resolutions, and votes which are to be presented to the Governor of the State for his approbation, shall, also in the same manner, be previously enrolled, examined, and signed, and shall be presented in the same manner, and by the same committee, as provided in the case of bills.

ELECTIONS BY JOINT VOTE OF THE TWO HOUSES.

14. In all elections by joint vote of the two Houses of the Legislature, the Senate will, upon invitation, meet the House in the Hall at the hour agreed upon. The President of the Senate shall take a seat at the right of the Speaker, and the Senators shall take seats

in front of the Speaker's desk. The Speaker of the House shall preside. The names of the Senators shall then be alphabetically called; after which the names of the Representatives shall be called in like manner; and if a quorum of both houses answer to their names, the two Houses will proceed with the business for which they have met. The President of the Senate shall first call for nominations by Senators, and the Speaker of the House shall then call for nominations by Representatives. Nominations being made, the names of the Senators shall be called by their Secretary, and their votes recorded by him; the names of the Representatives shall then be called by their Clerk, and their votes recorded by him, and the result shall be handed to and announced by the Speaker. Should a majority be required to elect, and no person receive a majority, the voting shall be repeated until an election is made. After the conclusion of the election for which the two Houses have met in joint session, the Senate shall retire to its Chamber, and the result of the joint vote shall be entered on the Journal of each House.

15. If a quorum of either House shall fail to attend a joint session, or absent themselves therefrom, without the permission of such House, the members of the House so wanting a quorum, if ten in number, shall have the right to compel the attendance of the absentees, in accordance with its own rules; and after a reasonable time, if a quorum is not obtained, the joint session may be adjourned by the vote of a majority of the members of either House; which vote shall be taken by the presiding officer of either House, on the motion of any one of its members, without debate.

16. If no choice shall have been made on the first ballot or vote, at any time thereafter, the joint session may be adjourned with or without naming another day for meeting, by the vote of a majority of either House, which vote shall be taken by the presiding officer of either House, on the motion of any one of its members, without debate.

Report of committee received, read, and, on motion of Senator Bowers, adopted and ordered to be printed.

Senator Hertzberg introduced a bill entitled an act to incorporate the Western Texas Life, Fire and Marine Insurance Company of San Antonio.

Read first time and referred to Committee on Judiciary.

Also, a bill entitled an act to incorporate the officers and members of San Antonio Harmonia Lodge No 1, O. D. H. S.

Read first time and referred to Judiciary Committee.

Senator Rawson introduced a bill entitled an act to establish a ferry across the Sabine river at or near Red Rock, Upshur county.



Read first time and referred to Committee on Roads, Bridges and Ferries.

Senator Baker introduced a bill entitled an act for the support and employment of the poor.

Read first time and referred to Committee on State Affairs.

Also, a bill entitled an act to incorporate Belton Male and Female Academy.

Read first time and referred to Committee on Education.

Also, a bill entitled an act to amend articles 698, 699 and 700 of the Code of Criminal Procedure.

Read first time and referred to Committee on Judiciary.

Senator Hall introduced a bill entitled an act to remove the county seat of Robertson county from Owensville to Calvert.

Read first time and referred to Committee on Counties and County Boundaries.

Senator Ruby introduced a bill entitled an act to confirm the compromise and settlements between the corporation of the city of Galveston, the Galveston City Company, the Houston and Galveston Wharf and Press Company and the Galveston Wharf Company.

Read first time and referred to Committee on Judiciary.

Senator Gains introduced a joint resolution referring to the same person holding two offices in this State.

Read first time and referred to Committee on Judiciary.

Senator Pettit introduced a bill entitled an act for the erection of a monument to the late General Sam Houston.

Read first time and referred to Committee on Public Buildings.

Also a bill entitled an act for the suppression of malpractice in medicine.

Read first time and referred to Judiciary Committee.

Also a bill entitled "An act to incorporate the Butler Male and Female College."

Read first time and referred to Committee on Education.

Also a bill entitled "An act to repeal an act, approved January 14, 1860, entitled 'An act to authorize and require the clerks of the District Courts of Cherokee, Smith, Anderson, Panola and Angelina counties, to apportion the causes on the dockets of said courts.'"

Read first time and referred to Committee on Judiciary.

Senator Priest introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the Houston and Great Northern Railroad Company.'"

Read first time and referred to Committee on Internal Improvements.

Also an act concerning insolvent estates, and to regulate administrations thereon.

Read first time and referred to Committee on Judiciary.

Senator Bowers introduced a bill entitled "An act to incorporate Lampasas College."

Read first time and referred to Committee on Education.

Also a bill entitled "An act to incorporate the Young Men's Real Estate and Building Association of the city of Austin."

Read first time and referred to Judiciary Committee.

Also a bill entitled "An act providing for the geological survey of the State."

Read first time and referred to Committee on Public Lands.

Senator Pettit offered a resolution changing county boundaries so as to conform to the cardinal points of the compass.

Referred to Committee on Counties and County Boundaries.

Also a resolution that so much of the Governor's message establishing asylums be referred to the Committee on Public Buildings, with instructions to inquire into the eligibility of Eastern Texas for the location of one or more of said institutions.

Senator Priest offered the following resolution:

*Resolved*, That the Committee on Education be instructed to inquire into the expediency of organizing a public school system in this State, in accordance with the requirements of the Constitution, so as to ensure an equal distribution of the school fund to all citizens, without distinction, who are entitled to the same, under such rules and regulations as will make the system a success, by enlisting in its support all classes interested, embracing therein the following provisions; and that said Committee report by bill or otherwise:

1. The Superintendent to have supervisory control over the schools of the State.

2. That each organized county shall constitute a school district, and the Police Court, composed of the five Justices of the Peace of each county, to constitute a Board of School Directors of the county.

3. That said Police Court shall appoint, in each justice's precinct, two Boards of School Trustees, one of said Boards to be composed of the recently enfranchised citizens. These Boards each to engage suitable teachers, and to make schools at such points as may seem to the best interest of students of their precincts, respectively.

4. That the Police Court shall appoint a board of competent persons to examine teachers, and none but competent and sober persons shall be recommended as teachers, having reference in regard to competency, to special localities, and none but teachers thus recommended to be employed.

5. No teacher shall be employed at a greater price per month than two dollars.

Said committee, also, to require, in their bill, all parents and guar-

dians to send their children and wards, of proper age, to school, under the penalty of forfeiting their rights, *pro rata*, to the school fund, for the time they thus fail or refuse to send.

Referred to Committee on Education.

The question recurring upon the ruling of Senator Parsons, President *pro tem.*, that a bill, when read by caption and referred without a call for the reading of the same, was in pursuance of parliamentary usage, deemed a first reading.

Appeal having been taken from the decision of the chair, the decision was sustained.

On question of reference of bill to Committee on Militia, entitled "an act to provide for the enrollment of the militia, the organization and discipline of the State guards, and for public defense," introduced by Senator Hertzberg, Senator Pickett moved to refer to Committee on State Affairs.

Senator Fountain moved previous question.

Motion sustained.

Senator Bowers moved to adjourn.

Motion lost.

The question recurring upon the previous question, the main question was put, "Shall the bill be referred to the Committee on Militia?"

Yeas and nays called for: vote as follows:

Yeas—Messrs. Alford, Baker, Bell, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—16.

Nays—Messrs. Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Latimer, Pickett, Pridgen, Pyle, Shannon—11.

Referred to Committee on Militia.

The President directed the Secretary to read the following dispatch:

HOUSTON, May 3d, 1870.

His Excellency Gov. E. J. DAVIS:

The Agricultural, Mechanical and Blood Stock Association of Texas cordially invites your Excellency, Gen. J. J. Reynolds and staff, the Judges of the Supreme Court, the members of the Senate and House of Representatives, and heads of Departments, to attend the first grand State Fair to be held in Houston, commencing May 17th. Arrangements will be made for free passes over the railroads. Be pleased to communicate this invitation to the parties named.

JNO. T. BRADY,

President.

Senator Bowers moved to adjourn till Monday 12 M.

Carried.